

West Bengal Real Estate Regulatory Authority
Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park, Kolkata- 700 075

Complaint No.WBRERA/COM 000133

Sohail Shaikh Complainant No.1

Serajuddoullah ShaikhComplainant No.2

Vs.

Reliable Construction Company (Civil Contractor)..... Respondent no.1

Sk. Azem Ali..... Respondent no.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
1(Execution) 05.07.2024	<p>Today the matter is taken up for 1st day of Execution hearing and final order in this matter has been passed by this Authority on 06.02.2024.</p> <p>The Complainants have submitted an Execution Application praying for execution of final order dated 06.02.2024.</p> <p>Let the said Execution Application be taken on record.</p> <p>Complainants are present in the physical hearing today and signed the Attendance Sheet.</p> <p>Advocate Narendra Nath Maity (Mobile – 9831123163 and email – adv.mdhossain@gmail.com) is present on behalf of the Respondent in the physical hearing today and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>The Respondent has submitted a Petition before the Authority at the time of hearing today praying for adjournment of today's hearing as because the Respondent has been released from nursing home in the last week and the he wants some more time for the development of his health and to discuss the matter with his Advocate.</p> <p>Let the said Adjournment Petition of the Respondent be taken on record.</p> <p>Considered and rejected the prayer of the Respondent on the ground that the Complainant has last paid on March, 2016 and he has not received the delivery of possession of his flat within the timeline as promised by the Respondent. He has also not received full refund of the Balance Principal Amount of Rs.10,00,000/- alongwith interest as per the final order of this Authority dated 06.02.2024. The Complainants are suffering for a long period. The Respondents have not taken any endeavour to comply the final order of this Authority within the stipulated period of 45 days from the date of receipt</p>	

of this order of the Authority. Therefore, the Authority is of the considered view that no adjournment should be given today in this matter on the ground of speedy disposal of justice and for giving effective relief to the Complainants.

The Advocate of the Respondent has stated at the time of hearing that he has brought a cheque of Rs.50,000/- to give it to the Complainant today.

The Authority took serious exception to the fact that giving a cheque of Rs.50,000/- to the Complainant is of no relief to them and it is just a technique of the Respondent to waste the valuable time of this Authority and also of the Complainants.


The Authority is of the considered view that on the ground of ill health of the Respondent Sk. Azem Ali, as stated by advocate of the Respondent in his petition which has been submitted today, the Respondent can be provided another 45 days to comply the final order of this Authority, failing which, the Authority may impose penalty and take stringent actions, as per section 38 read with section 61 of the RERA Act for non-compliance of the order of this Authority.

After hearing both the parties, the Authority is hereby pleased to give the following direction:-

- a) Respondent shall complete the payment of balance Principal Amount of Rs.10,00,000/- alongwith interest, as per the final order of this Authority dated 06.02.2024, within 45 days from the date of receipt of this order of the Authority through email; and
- b) If the Respondent fails to complete the payment as per the direction at (a) above, then the Respondent shall appear **in person** before the Authority on the next date of physical hearing and he shall also submit a Notarized Affidavit showing causes therein why a penalty of Rs.5,00,000/- shall not be imposed upon him for non-compliance of the order of this Authority dated 06.02.2024; and
- c) In spite of the above directions, both the parties are at liberty to take initiative to amicably settle the matter through mutual discussion and if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both, containing the terms and conditions of the mutual settlements, and send it to the Authority before the next date of hearing.

The Authority shall review this matter on the next date of hearing.

Fix **05.09.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority